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SIPDIS

TREASURY FOR OASIA  
STATE FOR EB/TPP/MTA/IPC - WILSON AND EUR/SE  
DEPT PASS USTR FOR DBIRDSEY/KALVAREZ, PATENT AND  
TRADEMARK OFFICE FOR URBAN, LIBRARY OF CONGRESS FOR TEPP  
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SENSITIVE

E.O. 12958: N/A  
TAGS: [ETRD](#) [KIPR](#) [TU](#)  
SUBJECT: Special 301 Demarche: Culture Ministry's Plans  
to Combat Copyright Piracy

Ref: State 111529

[11](#). (U) This cable contains an action request. Please  
see para 10.

[12](#). (U) Summary: At a meeting to discuss the decision to  
keep Turkey on the Special 301 Watch List, a Turkish  
copyright official acknowledged increased copyright  
piracy and outlined a series of steps to improve both  
the legal/regulatory regime and enforcement. End  
Summary.

[13](#). (SBU) Econoff and Econ Specialist met with Gunay  
Gormez, of the Culture Ministry's Copyright Office, on  
May 8 to deliver the Special 301 demarche for Turkey.  
Gormez agreed that copyright piracy has worsened in some  
areas, but outlined a series of measures that should  
begin to turn this situation around.

[14](#). (SBU) Increased Piracy: Gormez acknowledged a  
general increase in pirated products in Turkish markets  
over the last year. She attributed this to: 1)  
insufficient penalties for pirate producers, despite the  
deterrent penalties included in the Copyright Law:  
pirates have been assigned weaker penalties contained in  
the older Cinema Law; 2) lack of training for the  
judges, prosecutors, customs officers and for the  
public; and 3) inadequate use of the provincial  
copyright inspection units, caused by resource  
shortages. Pointing to the Business Software Alliance'  
success in cutting piracy in Turkey from 94 to 58  
percent over the last two years, Gormez opined that the  
Ministry could achieve a sharp reduction in piracy in  
other sectors by implementing the following measures:

[15](#). (SBU) New Optical Media Regulation: Gormez told us  
the GOT had prepared a draft regulation calling for the  
use of optical media codes in video and music products.  
All recording facilities will be required to receive  
authorization documents from the Ministry of Culture to  
carry out their activities under this regulation, and to  
use code numbers for all compact disks as a copyright  
protection measure. This should make it easier for the  
law enforcement units and the Ministry of Culture to  
detect pirated products, as well as the recording  
facilities producing them. The Ministry of Culture has  
received favorable opinions from the professional unions  
and other GOT agencies regarding this regulation and  
hopes to issue it soon. Econoff requested that Culture  
provide us with a copy of the regulation as soon as  
possible.

[16](#). (SBU) Registration Regulation: Gormez reported that  
the Ministry has developed a draft regulation on  
mandatory/voluntary registration of copyright products.  
Registration will be mandatory for musical and cinematic  
works, and voluntary for others (such as some computer,  
architecture and fashion designs). The registration  
system is to facilitate payment of royalties and  
tracking of copyright.

[17](#). (SBU) Amendment to Cinema Law: The Ministry is  
preparing to amend the copyright-related parts of the  
Cinema Law which will ensure that copyright violators  
are subject to the more stringent penalties contained in  
the Turkish copyright law.

18. (SBU) Training: Gormez maintained that Culture Ministry training for law enforcement officials dealing with intellectual property will also help reduce piracy. Last year, the Ministry briefed eight judges from specialized intellectual property courts on copyright protection. These judges are currently on an EU-financed, long-term training program in Europe. The Ministry is also planning to train Customs officers, including at major border gates, and the provincial copyright inspection teams. The Ministry is working on software to enable customs officers to check the validity of banderoles for copyright products in realtime. Gormez added that the Culture Ministry has received additional funds to support provincial inspection units, and that law enforcement activities will focus on Turkish resort areas during the summer season.

19. (U) Embassy plans to meet with the Patent and Trademark Institute on trademark piracy issues identified in the Special 301 announcement in the near future.

110. (U) Action Request for Department/USTR: Please provide Embassy with the text of model optical media legislation, if available. Pearson